

SECOND AMENDMENT
TO
CONTRACT FOR SERVICES

THIS SECOND AMENDMENT to the Contract for Services dated November 21, 2019, is made and entered into on February 16, 2021 (the "SECOND Amendment") between D&B Engineers & Architects, P.C. having an office located at 330 Crossways Park Drive, Woodbury, NY 11797 ("Contractor"), and the HOUSING TRUST FUND CORPORATION, having its principal office at 38-40 State Street, Albany, New York 12207 ("HTFC"). Each of the foregoing are referred to individually herein as a "Party" and collectively the "Parties".

WITNESSETH:

WHEREAS, HTFC and Contractor entered into a Contract for Services (the "Agreement") on November 21, 2019, and made effective on November 1, 2019, pursuant to which Contractor provides certain services in support of HTFC's administration of the State of New York's Community Development Block Grant-Disaster Recovery ("CDBG-DR") program; and

WHEREAS, HTFC's Governor's Office of Storm Recovery ("GOSR") is specifically tasked with administering the State of New York's CDBG-DR program and therefore oversees and administers this Agreement; and

WHEREAS, HTFC and Contractor's Contract Price in the Agreement totaled \$945,494.00; and

WHEREAS, HTFC and Contractor entered into the First Amendment to the Agreement on October 13, 2020 which extended the Term to July 17, 2022; and

WHEREAS, HTFC wishes to obtain additional services from Contractor that are within the scope of services awarded to and provided by Contractor under the Agreement; and

WHEREAS, HTFC seeks such additional services in the amount of \$96,820.00, thereby increasing the Agreement Total Fee to the amount of \$1,042,314.00; and

WHEREAS, HTFC seeks to revise the Agreement's Scope of Services attachment to include Construction Support and Special Inspection Services; and

WHEREAS, HTFC/GOSR and Contractor desire to amend the Agreement by means of this Second Amendment to update the Agreement Scope of Services, with no change in contract price or term, to allow Contractor to perform additional services;

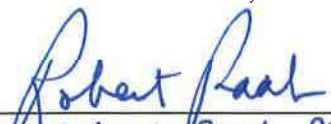
NOW, THEREFORE, pursuant to and in consideration of the above, and other mutual covenants and obligations herein contained, it is

STIPULATED AND AGREED as follows:

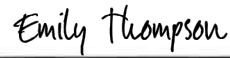
1. The second sentence of Section 2 (a) of the Agreement is hereby deleted and replaced with the following: "Contractor agrees that in no event will HTFC pay the Contractor more than \$1,042,314.00 ("Total Fee") for the Services under all Task Orders under this Agreement."
2. The Exhibit A Scope of Services attached to the Agreement is hereby deleted and replaced with the revised Exhibit A attached hereto.
3. All other terms and conditions, including appendices, attachments, exhibits, riders, and Letter Agreements to the Agreement are hereby continued in full force and effect as though set forth herein.

IN WITNESS WHEREOF, the parties executed this Second Amendment on the day and year first above written.

D&B Engineers & Architects, P.C.

By: 
Name: Robert Raab, P.E.
Title: SVP
Date: 2-16-21

Housing Trust Fund Corporation

By: 
Name: Emily Thompson
Title: Acting General Counsel,
Governor's Office of Storm Recovery
Date: 2/16/2021

REVISED EXHIBIT A

SCOPE OF SERVICES

D&B Engineers & Architects, P.C.

Design Services for the Channel Park Homes Resiliency Improvements Project ("Project")

The services to be provided by the Design Professional will be provided under direct supervision of GOSR, as required, to ensure that all work complies with local, State, and Federal requirements and is completed in a timely and efficient manner.

The Contractor understands that the Bid Document Services phase of this project will not commence unless authorized by GOSR.

The scope of services to be provided may generally include, but are not limited to the following:

General Construction Administration Support Services

Task 1 - 60% Design Revisions

Under this task, the Contractor will provide the necessary Engineering and Quality Control services to advance the development of the approved 60% design to 100% Construction Documents.

As part of this task, at a minimum key elements include:

- Prepare plans and specifications
- Attend meetings
- Provide expediting services, if necessary
- Respond to comments
- Incorporation changes and resubmit, if required
- Prepare construction cost estimate

The Contractor will meet with GOSR staff to initiate the final phase of the project design. The Contractor will review the 60% design package with GOSR to eliminate proposed improvements and present recommendations for alterations to the 60% design. The Contractor will address any comments and make the necessary modifications to provide a revised 60% design.

Task 2 - 100% Design Development

The Contractor will prepare 100% plans, specifications, cost estimates and implementation schedule for the resiliency improvements identified for Channel Park Homes. Drawings and specifications will be prepared in accordance with GOSR's Submission Requirements. The Contractor will review the design for compliance with applicable environmental codes, rules and regulations. Project plans and specifications will be reviewed by the Contractor's internal Quality Assurance/Control staff.

The Contractor will identify and coordinate with all impacted stakeholders including but not limited to the Governor's Office of Storm Recovery (GOSR), City of Long Beach, and Long Beach Housing Authority (LBHA), and applicable regulatory agencies and utilities to identify any concerns to ensure that the final product is unilaterally accepted. The Contractor will provide the draft 100% design package to GOSR for review and will meet with GOSR to review and address any comments. Upon review and approval of the 100% design submission by GOSR, the Contractor will proceed with the preparation of the final construction documents.

As part of this task, the Contractor will prepare and present the 100% design package to the community at one (1) public meeting.

Task 3 – Bid Document Services

The Contractor will supply an electronic version of the Bid Document package. The Contractor will review and respond to bidder questions in the form of addendums. If scheduled by GOSR, the Contractor will attend a pre-bid meeting. The Contractor will assist GOSR with reviewing and analyzing bids and make a recommendation as to the award of the Contract(s).

Task 4 – Construction Support

The Contractor will prepare and submit all required permit applications; attend pre-bid meetings, site walks and respond to questions related to design documents from prospective bidders; assist the Owner's Representative in preparation of bid addenda; attend and participate in pre-construction meetings to address any issues relating to the drawings, technical specifications and bid documents. The Contractor will provide review and approval of Contractor's submittals such as: shop drawings, product data and samples. The Contractor will conduct periodic construction inspections to ensure contract compliance, design intent, quality of workmanship, and material acceptance; report any deviations from the contract documents; and recommend rejection of any work not conforming to the contract documents. The Contractor will assist the Owner's Representative in the preparation and issuance of field orders, change orders and construction change directives, and in the review and approval of Contractor's Applications for Payment. The Contractor will provide Architects endorsement of approval on AIA Requisitions and Change Orders. The Contractor will assist the Owner's Representative in determining when the work is substantially complete and participate in a Substantial Completion Inspection and the preparation of a punch list of work to be completed. The Contractor will prepare and sign a Certification of Substantial Completion. The Contractor will assist the Owner's Representative in conducting a Final Completion Inspection and prepare and sign a Certification of Final Completion. Prepare Record (as-built) drawings.

Task 5 – Special Inspection Services

The below inspections are identified in the NYS Building code, defined under Chapter 17 – Special Inspections and Tests. The contract drawings identify several inspection categories:

- 1705.2 Steel Construction
- 1705.3 Concrete Construction
- 1705.6 Soils

The below descriptions are a summary of the required inspections and areas of inspection for each of the proposed categories.

STEEL

Structural Steel and Bolting: A structural steel and bolting special inspector inspects correct selection and application of bolts for steel construction. The primary categories of inspection are material verification, high-strength bolting requirement verification and framing verification. These categories are further divided into tasks. Material Sampling, Testing and Verification; Verify that steel shapes and bolts are of the types, sizes, grades and conditions specified on approved plans and specifications. Verify that required type, quantity, location and frequency of tests are performed, and witness preparation of properly identified test samples on all materials. Verify that required testing is performed on materials as required by applicable standards and specifications. High-Strength Bolting Identify and verify that the following are in compliance with applicable standards, approved plans and specifications: Correct type, size and location of bolts and bolt holes, nuts and washers for type of connection. • Protected storage of bolts, nuts and washers. • Faying surfaces at connections utilizing high-strength bolts. • Observe or conduct bolt tension verification tests on required high-strength bolt assemblies. • Joint type and installation of bolt assemblies. • Use of the approved method and sequence of bolt tightening.

Structural Welding: A structural welding special inspector inspects welds in steel construction. The primary categories of inspection are material and weld adequacy verification. These categories are further divided into tasks. Material Sampling, Testing and Verification. Verify that the steel shapes, base metals, filler metals and gases are of the type, size, grade and condition specified on approved plans, specifications and Welding Procedures Specifications. Verify required type, quantity, location and frequency of tests to be performed, and witness preparation of properly identified test samples on all materials. Provide or arrange for documentation and transportation of samples to the laboratory. Verify that nondestructive examinations are performed as required by applicable standards and specifications. Provide or arrange for communication of field-testing results to the RDP in responsible charge and building official. Verify that the following are in compliance with applicable standards, approved plans, specifications and procedures: • Welding equipment and process has the capability to produce the specified welds. • Welding equipment is calibrated and appropriate for use with the welding process. • Witness qualification of welders, welding operators and tackers, to perform specified work.

SOILS

A soils special inspector inspects excavations and placement of soils. Fill and in-situ material type is also verified. Materials; Verify materials below shallow foundations are adequate to achieve the design bearing capacity. Performs classification and testing of compacted fill materials. Excavation; Verify excavations are extended to proper depth and have reached proper material. Prior to placement of compacted fill, observe subgrade. Verify proper site preparation. Placement Verify use of proper materials, densities and lift thicknesses during placement and compaction of compacted fill. Verify that in-place dry density of compacted fill is not less than 90 percent of the maximum dry density at optimum moisture content determined in accordance with ASTM D 1557 where Section 1803 does not require reporting of material and procedures for fill placement.

CONCRETE

A reinforced concrete special inspector inspects many activities of concrete construction. The primary categories of inspection are concrete quality, reinforcement, formwork, joints and embed placement, concrete placement, and protection during curing. Verify that individual batch tickets indicate delivery of the approved mix as specified. • Verify time limits of mixing, total water

added, and proper consistency and workability for placement. • Determine required type, quantity and frequency of tests to be performed on fresh and hardened concrete. • Observe sampling and field testing of fresh concrete, making of test specimens. • Provide or arrange for proper specimen identification, site storage and protection, and transportation to the testing laboratory. • Provide or arrange for communication of field-testing results to the RDP in responsible charge and building official. Reinforcement Verify that the following are in compliance with applicable standards, approved plans, specifications and procedures: • Reinforcing steels are of specified type, grade and size. Reinforcing steel is free of oil, dirt and rust and that steel is properly coated and/or sheathed. • Reinforcing steels are located within acceptable tolerances and are adequately supported and secured to prevent displacement during concrete placement. • Minimum concrete cover is provided. • Placement of reinforcing steel (or ducts) complies with required spacing, profile and quantity requirements. Hooks, bends, ties, stirrups and supplemental reinforcement are fabricated and placed as specified. • Required lap lengths, stagger and offsets are provided. • Proper installation of approved mechanical connections per manufacturer's instructions and/or evaluation reports. • Welds of reinforcing steel and other weldments are as specified and have been inspected and approved by an approved welding inspector. Formwork. • Formwork will provide concrete elements of the specified size and shape. Location and preparation of construction joints. Type, quantity, size, spacing and location of embedded items. • Debris and loose soils have been removed from the place of deposit before the concrete is placed. Any cuts or fills meet requirements specified in the construction documents. • Methods of conveying and depositing concrete avoid contamination and segregation of the mix. • Concrete is being properly consolidated during placement Protection and Curing Verify that concrete is protected from temperature extremes, and determine that proper curing is initiated.

Reporting

1. Prepare monthly written progress reports to document the satisfaction of the requirements of this contract, no later than the 5th day of the following month.
2. Reports shall be submitted to the GOSR Project Manager monthly, and shall be included in the Contractor's payment requisition package. Such reports shall include the following information at a minimum:
 - a. Executive Summary;
 - b. Progress Narrative supported by photographs and the project schedule updated to show progress;
 - c. Detailed description of the Construction Support Services performed;
 - d. Detailed description of the Special Inspection Services performed;
 - e. Log of open and closed Non-conforming or deficient work;
 - f. Copies of the Special Inspection Reports;
 - g. Daily logs of performed activities indicating the project site, and hours worked;
 - h. Budget Report of the Contractor's contract; and
 - i. Attach photographs, logs, reports, etc. which are germane to the Issues Report.